In the High Court of Judicature at Madras

Dated: 19.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition Nos.17465,17466,17749 to 17765,18129,
18583,19214,19215 of 1994, 12233,12234,12237,12238,
14630,16722 to 16730,17411,17412 of 1995,
2161 and 11933 of 1996
and connected miscellaneous petitions

The Dravida Munnetra Kazhagam
by its General Secretary
Prof.K.Anbazhagan
No.74, Aspiran Garden
II Street, Madras 600 010. ..Petitioner in WP 17465,
17466, 19214,19215/1994
12233,12234,12237,12238

Pattali Makkal Katchi
rep. by its General Secretary
Mr.Dalit R.Ezhilmalai
No.63, Nattumuthu Naicken Street,
Teynampet,Madras 600 018 ..Petitioner in WP
17749,17750,17751,17752,17753,
17754,17755,17756,17757,17758,17759,
17760,17761, 17762, 17763,
17764,18129 of 1994, 16722 to 16730
of 1995, 2161 of 1996

Marumalarchi Dravida Munnetra
Kazhagam rep. by its
General Secretary Mr.V.Gopalasamy
No.4, First Street, Karpagam Avenue,
Raja Annamalaipuram, Madras 600 028.
..Petitioner in WP 18583/94

V.Karuppan ..Petitioner in WP 14630/95

L.Mookiah ..Petitioner in WP 17411 & 17412/95

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Hindu Munnani rep.
by its District Secretary,
Neelaya Datchiamman Koil Street,
Nagapattinam ..Petitioner in WP 11933/96

The Government of Tamil Nadu
rep. by its Secretary to Government,
Home Department, Fort St. George,
Madras -9. ..Frist respondent in WP
17465,17466,17749,17750,
17751,17752,17753,17754,
17755,17756,17757,17758,
17759,17760, 17761,17762,
17763,17764,18129, 18583, 19214/1994
12233,12234,14630, 16722 to 16730,
17411 & 17412 of 1995 2161 of 1996
and 11933 of 1996.

The Principal Commissioner and Commissioner
of Revenue Administration,
Chepauk, Madras 5. ..Second Respondent in WP.17465,
17466, 17749, 17750, 17751, 17752, 17753,
17754, 17755, 17756, 17757, 17758, 17759,
17760, 17761, 17762, 17763, 17764, 18129,
18583, 19214 of 1994 12233, 12234, 12237,
12238, 14630, 16722, 16723 to 16730,
17411, 17412 of 1995, 2161 and
11933/1996.

The District Collector,
Madurai District,
Madurai. ..Third Respondent in WP.17465, 17466/94.

Jeeva Transport Corporation Ltd.,
represented by its Managing Director,
Chennimalai Road, Erode. ..Third Respondent in WP.17749, 17750 of
1994.

Maruthupandiar Transport Corporation Ltd.,
represented by its Managing Director,
Karaikudi. ..4th Respondent in WP.17749, 17751/1994.

Thanthai Periyar Transport Corporation Ltd.,
represented by its Managing Director,
Villupuram. ..5th Respondent in WP.17749/94.
..3rd Respondent in WP.17752/94.
..3rd Respondent in WP.2161/96.

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Pattukkottai Alagiri Transport
Corporation Limited, represented
by its Managing Director,
Vellore. ..6th Respondent in WP.17749/94.
..3rd Respondent in WP.17753/94.

Anna Transport Corporation Limited
rep by its Managing Director,
Salem, 12, Ramakrishna Road,
Salem - 636007. R7 in WP.17749/94
R3 in WP.17754/94
R3 in WP.14630/95
R3 in WP.16724/95

Kattabomman Transport Corporation Ltd.,
rep. by its Managing Director,
Thirunelveli R8 in WP.17749/94
R3 in WP.17755/94.
R3 in WP.16725/95.

Thiruvalluvar Transport Corporation Ltd.,
rep. by its Managing Director,
Madras R9 in WP.17749/94.
R3 in WP.17756/94.

Puratchi Thalavar M.G.R
Transport Corporation Ltd.,
rep. by its Managing Diretor,
No.25, V.O.C.Street
Kancheepuram R10 in WP.17749/94.
R3 in WP.17757/94.
R3 in WP.12237/95
R3 in WP.12238/95
R3 in WP.16728/95

Pandiyan Roadways Corporation Limited.,
rep by its Managing Director,
Madurai R11 in WP.17749/94
R3 in WP.17758/94
R3 in WP.16730/95.

Annai Sathya Transport Corporation Limited,
rep by its Managing Director,
Dharmapuri R12 in WP.17749/94
R3 in WP.17759/94
R3 in WP.12233/95 and
12234/95

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R3 in WP.16726/94
R3 in WP.16729/95

Cholan Roadways Corporation Limited,
rep by its Managing Director,
Kumbakonam Railway Station New Road,
Kumbakonam - 612001. R13 in WP.17749/94
R3 in WP.17760/94 and 19214/94
R3 in WP.16722/95
R3 in WP.11933/96

Tamil Nadu Electricity Board
rep by its Secretary,
Madras R14 in WP.17749/94
R3 in WP.17761/94

Dheeran Chinnamalai Transport Corporation Limited
rep. by its Managing Director,
Thiruchirappalli R15 in WP.17749/94
R3 in WP.17762/94
R3 in WP.16727/95.

Dr.Ambedkhar Transport Corporation Limited
rep by its Managing Director,
Madras - 23 R16 in WP.17749/94
R3 in WP.17763/94

Puratchi Thalaivi Dr.J.Jayalalitha Transport Corporation limited
rep. by its Managing Director,
Madras - 5 R17 in WP.17749/94
R3 in WP.17764/94.

Rani Mangammal Transport Corporation Limited
rep. by its Managing Director,
Dindugal,
Bye-Pass Raod, Chettinaickenpatti (PO)
Dindigul 624305. R18 in WP.17749/94
R3 in WP.17765/94
R3 in WP.16723/95
R3 in WPs.17411 & 17412/95

PALLAVAN TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING
DIRECTOR, PALLAVAN HOUSE,
MADRAS - 2 .. R3 IN WP NO. 18129/94

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THE MANAGING DIRECTOR
DR. AMBEDKAR TRANSPORT
CORPORATION LIMITED
MADRAS 600 023 .. R3 IN WP NO. 18583/94

Writ Petition filed under article 226 of the consitution of india to issue a writ of certiorari calling for the records of the Principal Commissioner and Commissioner of Revenue Administration the Second Respodent herein of his Notice R.C.NO. U3/68203/94 DATED 5.9.1994 and to quash the same (WP NO. 17465/94)

2) Ref. NO. U3/38233/94, dated 21.09.1994 (17750/94)
3) Ref. NO. U3/38633/94, dated 19.09.1994 (17751/94)
4) Ref. NO. U3/38637/94, dated 26.09.1994 (17752/94)]
5) Ref. NO. U3/38615/94, dated 28.09.1994 (17753/94)
6) Ref. NO. U3/38616/94, dated 19.09.1994 (17754/94)
7) Ref. NO. U3/40023/94, dated 19.09.1994 (17755/94)
8) Ref. NO. U3/38234/94, dated 26.09.1994 (17756/94)
9) Ref. No. U3/38635/94, dated 26.09.1994 (17757/94)
10)Ref. NO. U3/38231/94, dated 04.10.1994 (17758/94)
11)Ref. NO. U3/38670/94, dated 26.09.1994 (17759/94)
12)Ref. NO. U3/38236/94, dated 26.09.1994 (17760/94)
13)Ref. NO. U3/75339/94, dated 20.09.1994 (17761/94)
14)Ref. NO. U3/38634/94, dated 28.09.1994 (17762/94)
15)Ref. NO. U3/38240/94, dated 04.10.1994 (17763/94)
16)Ref. NO. U3/38238/94, dated 04.10.1994 (17764/94)
17)Ref. NO. U3/38232/94, dated 10.10.94 (17765/94)
18)Ref. NO. U3/38235/94, dated 19.10.94 (18129/94)
19 Ref. NO. U3/38240/A/94, dated 04.10.1994(18583/94)
20)Ref. NO. U3/64097/94 dated 26.09.1994 in case no. 27 of 94 (19214/94)
21)Ref. NO. U3/31886/95, dated 06.06.95 in case no. 31 (a) and (b) of 1995 (WP no. 12234/95)
22)Ref. NO. U3/11773/95, dated 06.06.95 in case no. 30 of 1995 (wp no. 12238/95)
23) Ref. NO. U3/20298/95, dated 14.8.1995(16722/95)
24) Ref. NO. U3/30657/95, dated 06.06.95(WP 16723/95)
25) Ref. NO. U3/32142/95, dated 07.07.95(WP 16724/95)
26) Ref. NO. U3/62245/95, dated 13.09.95(WP 16725/95)
27) Ref. NO. U3/31886/95, dated 06.06.95(WP 16726/95)
28) Ref. NO. U3/36972/95, dated 07.07.95(WP 16727/95)
29) Ref. NO. U3/47198/95, dated 24.07.95(WP 16728/95)
30) Ref. NO. U3/31874/95, dated 14.08.95(WP 16729/95)
31) Ref. NO. U3/41331/95, dated 2.11.95(WP 16730/95)
32) Ref. NO. U3/51393/95, dated 24.07.95 IN CASE NO. 34(a)(b) AND (c) OF 1995(WP 17412/95)
33)) Ref. NO. U3/56723/95 dated 22.12.95(WP 2161/96)

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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of declaration, that the Tamil Nadu Public Property (Prevention of damage and Loss Act 1992 (Act 59 of 1992) which was amended under Act 46/94 and the Tamil Nadu Public Property (Prevention of Damages and Loss) Rules 1994 are unconstitutional illegal Ultravirus, null and void (WP NO. 17466, 17749, 19215 of 94, 12233, 12237, 17411/95 and 11933 of 1996 respectively

(Case title of the WP 11933/96 AMENDED AS PER ORDER OF COURT DATED 17.09.1996 IN WMP NO. 16613/96)

Writ Petition filed under Article 226 of the Consitution of India to issue a writ of Prohibition preventing further proceedings in case No. 26 of 1995 pending on the file of the Second Respondent Award Costs in WP 14630 of 1995

For Petitioners : Mr.S.Mohamed yousuf for W.P.Nos. 17465,17466,19214,19215 of 1994, 12233,12234,12237,12238,17411 and 17412 of 1995.

Mr.J.Chandran for W.P.Nos.18129, 16722 to 16730 of 1995, 2161 of 1996, 17749 to 17765 of 1994.

Mr.K.S.Radhakrishnan for W.P. No.18583 of 1994.

Mr.D.Hari Paranthaman for W.P. No.14630 of 1995.

Mr.C.Karthikeyan for W.P.No. 11933 of 1996.

For Respondents : Mr.K.Veeraraghavan, Addl.Advocate General assisted by K.Ilango,Spl.Govt.Pleader for Respondent State in all WPs.

Mr.V.R.Kamalanathan for TNSTC

Mr.M.Palani for R3 in W.P.Nos. 12237,12238, 16722 of 1995

Mr.G.Muniratnam for R-11 in w.P.No.17749 of 1994

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Mr.A.Jinasenan for R8 in W.P.
Nos.17749/94 & R3 in 16725/95

Mr.S.Jayaraman for R4 in W.P.
No.17749 of 1994

M/s.Gupta Ravi for R3
in W.P.16727 of 1995

Mr.R.Parthiban for R3
in W.P.16730 of 1995

Mr.Rajinish Pathiyal for R3
in W.P.17411 & 17412 of 1995

COMMON ORDER

(Common Order of the Court was made by P.SATHASIVAM, J.,)

Various political parties, aggrieved by the Proceedings of the Commissioner, Revenue Administration, Chennai-5, calling upon them to appear for enquiry, claiming compensation for the damage or loss caused to the public property owned by the Government or Government Undertakings, filed the above writ petitions. Some petitioners challenge notices issued by the competent authority, namely, Principal Commissioner of Revenue Administration, under provisions of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and Tamil Nadu Public property (Prevention of Damage and Loss) Rules, 1994. Some of them challenge the validity of those provisions.

2. Learned Additional Advocate General-III has placed a Letter of the Public (Law & Order-A) Department in No.3367/L&O-A/2001-18 dated 13.12.2006, which shows that the Government have decided to withdraw the notices issued by the Commissioner of Revenue Administration, Chennai to various political parties and other organizations claiming a compensation of Rs.46.87 lakhs as detailed below:

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Sl. No	Name of the party/Organisation/individual	Writ Petitions No.	No.of Writ petitions filed	Amount of compensation claimed Rs.
1	Pattali Makkal Katchi	17749,17750 to 17765&18129/94,16722 to 16730/ 95 & 2161/96	28	39,36,448
2	Dravida Munnetra Kazhagam	17465& 19215/94 12233, 12234, 12237 &12238 and 19214/95	7	52264
3	Marumalarchi Dravida Munnetra Kazhagam	18583/94	1	1883
4	Hindu Munnani	11933/97	1	4,20,272
5	Ambedkar People Liberation Movement (A.P.L.M) by the convener Thiru R.K.Swami-nathan	18814/94	1	3638
6	VOICE (Consumer Care Council)	17201/2000	1	--
7	Thiru L.Mookiah (DMK)	17411& 17412/95	2	33329
8	Tr.V.Karuppan, I.A.S., (Retired)	14630/95	1	2,39,532
		Total	42 cases	46,87,367

3. As a follow up action, the Government, in the above mentioned letter dated 13.12.2006, requested the Commissioner, Revenue Administration, to take necessary action and to inform the above decision of the Government to all political parties and organizations concerned.

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4. In view of the stand taken by the Government, considering the relief prayed for in these writ petitions, learned counsel appearing for the petitioners represents that nothing survives for adjudication by this Court. The above statement is hereby recorded. Accordingly, all the writ petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

gl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Govt.of Tamil Nadu,
   Home Department,
   Fort.St.George,
   Madras-9.

2. The Principal Commissioner and Commissioner of
   Revenu Administration,
   Chepauk,
   Madras-5.

3. The District Collector,
   Madurai District,
   Madurai.

4. The Managing Director,
   Jeeva Transport Corporation Ltd.,
   Chennimalai Road, Erode.

5. The Managing Director,
   Maruthupandiar Transport Corporation Ltd.,
   Karaikudi.

6. The Managing Director,
   Thanthai Periyar Transport Corporation Ltd.,
   Villupuram.

7. The Managing Director,
   Pattukkottai Alagiri Transport
   Corporation Limited, Vellore.

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8. The Managing Director,
Anna Transport Corporation Limited
12, Ramakrishna Road,
Salem - 636007.

9. The Managing Director,
Kattabomman Transport Corporation Ltd.,
Thirunelveli

10. The Managing Director,
Thiruvalluvar Transport Corporation Ltd.,
Madras

11. The Managing Diretor,
Puratchi Thalavar M.G.R
Transport Corporation Ltd.,
No.25, V.O.C.Street
Kancheepuram

12. The Managing Director,
Pandiyan Roadways Corporation Limited.,
Madurai

13. The Managing Director,
Annai Sathya Transport Corporation Limited,
Dharmapuri

14. The Managing Director,
Cholan Roadways Corporation Limited,
Kumbakonam Railway Station New Road,
Kumbakonam - 612001.

15. The Secretary,
Tamil Nadu Electricity Board
Madras

16. The Managing Director,
Dheeran Chinnamalai Transport Corporation Limited
Thiruchirappalli

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17. The Managing Director,
Dr.Ambedkhar Transport Corporation Limited
Madras - 23

18. The Managing Director,
Puratchi Thalaivi Dr.J.Jayalalitha Transport Corporation limited
Madras - 5

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19. The Managing Director,
Rani Mangammal Transport Corporation Limited
Dindugal,
Bye-Pass Raod, Chettinaickenpatti (PO)
Dindigul 624305.

20. The Managing Director,
Pallavan Transport Corporation
Pallavan House,
Madras - 2

+ 1 Cc To The Government Pleader, SR No. 63564

+ 3 Ccs To Mr. A. Jenasenan, Advocate SR No. 63773

+ 1 Cc To Mr. S. Mohammad Yousuf, Advocate SR No. 63982

+ 1 Cc To Mr. Rajinish Pathiyil Advocate SR No. 63961

VC(CO)
KM,GP,RVL,NM,SR/11.1.2007

Common Order in Writ Petitions
No.17465 of 1994 etc.batch.

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